

Senate Study Bill 3204

SENATE FILE _____
BY (PROPOSED COMMITTEE ON
JUDICIARY BILL BY
CHAIRPERSON KREIMAN)

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to civil liability for social hosts providing
2 alcoholic beverages to persons under legal age.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
4 TLSB 6393XC 82
5 rh/rj/5

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1 1 Section 1. Section 123.92, unnumbered paragraph 3, Code
1 2 2007, is amended to read as follows:
1 3 Notwithstanding section 123.49, subsection 1, any person
1 4 who is injured in person or property or means of support by an
1 5 intoxicated person who is under legal age or resulting from
1 6 the intoxication of a person who is under legal age, has a
1 7 right of action for all damages actually sustained, severally
1 8 or jointly, against a person who is not a licensee or
1 9 permittee and who dispensed or gave any beer, wine, or
1 10 intoxicating liquor to the intoxicated underage person when
1 11 the nonlicensee or nonpermittee who dispensed or gave the
1 12 beer, wine, or intoxicating liquor to the underage person knew
1 13 or should have known the underage person was intoxicated, or
1 14 who dispensed or gave beer, wine, or intoxicating liquor to
1 15 the underage person to a point where the nonlicensee or
1 16 nonpermittee knew or should have known that the underage
1 17 person would become intoxicated. If the injury was caused by
1 18 an intoxicated person who is under legal age, a person who is
1 19 not a licensee or permittee and who dispensed or gave beer,
1 20 wine, or intoxicating liquor to the underage person may
1 21 establish as an affirmative defense that the intoxication did
1 22 not contribute to the injurious action of the underage person.
1 23 For purposes of this paragraph, "dispensed" or "gave" means
1 24 the act of physically presenting a receptacle containing beer,
1 25 wine, or intoxicating liquor to the underage person, or
1 26 deliberately and knowingly making available a receptacle
1 27 containing beer, wine, or intoxicating liquor to the underage
1 28 person with direct knowledge that the underage person intends
1 29 to consume the beer, wine, or other intoxicating liquor, but
1 30 without physically presenting such receptacle to the underage
1 31 person, whose actions or intoxication results in the
1 32 sustaining of damages by another person. However, a person
1 33 who dispenses or gives beer, wine, or intoxicating liquor to
1 34 an underage person, or who deliberately and knowingly makes
1 35 available a receptacle containing beer, wine, or intoxicating
2 1 liquor to an underage person, shall only be liable for any
2 2 damages if the person knew or should have known that the
2 3 underage person was under legal age.

2 4 EXPLANATION

2 5 This bill relates to civil liability for social hosts
2 6 providing alcoholic beverages to persons under legal age.
2 7 Code section 123.92 is amended to extend civil liability to
2 8 a person who deliberately and knowingly makes available a
2 9 receptacle containing beer, wine, or intoxicating liquor to an
2 10 underage person with direct knowledge that the underage person
2 11 intends to consume the beer, wine, or other intoxicating
2 12 liquor and the underage person becomes intoxicated and injures
2 13 another person. Current law provides that a person must
2 14 physically present such receptacle to a person under legal age
2 15 for that person to be liable for injuries caused by that
2 16 intoxicated underage person.
2 17 LSB 6393XC 82
2 18 rh/rj/5

